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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215647
Party	Defendant McFit GmbH
Correspondence Address	STACEY C FRIENDS RUBERTO ISRAEL & WEINER PC 255 STATE STREET, 7TH FLOOR BOSTON, MA 02109 UNITED STATES trademark@riw.com
Submission	Answer
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Date	05/06/2014
Attachments	Answer - McFit Ribbons.pdf(59402 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial Nos.: 79129412 and 79129414
Published in the Official Gazette on March 4, 2014 and March 11, 2014

McDonalds's Corporation
Opposer,

v.

McFit GmbH
Applicant

Consolidated Opposition No.: 91215647

ANSWER TO NOTICE OF OPPOSITION

Applicant, McFit GmbH, through its undersigned attorney, hereby responds to the Notice of Opposition filed by McDonald's Corporation and states for its Answer, with each numbered paragraph of the Answer corresponding to the numbered paragraphs of the Opposition, as follows:

1. Admitted.
2. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 5 of the Notice of Opposition and therefore denies the same.
6. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 6 of the Notice of Opposition and therefore denies the same.
7. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 7 of the Notice of Opposition and therefore denies the same.
8. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 8 of the Notice of Opposition and therefore denies the same.
9. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 9 of the Notice of Opposition and therefore denies the same.
10. Admitted as to the existence of the registrations listed, that such registrations appear to be in full force and effect (not cancelled or expired), and as to the presumption of validity attendant thereto. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the remainder of the allegations of paragraph 10 of the Notice of Opposition and therefore denies the same.
11. Admitted as to the statement of trademark law regarding the benefits of federal registration. Applicant lacks sufficient knowledge and information to form a

belief as to the truth of the remainder of the allegations of paragraph 11 of the Notice of Opposition and therefore denies the same.

12. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 12 of the Notice of Opposition and therefore denies the same.
13. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 13 of the Notice of Opposition and therefore denies the same.
14. Admitted as to the existence of the Applications in question. Denied as to the remainder of the allegations in paragraph 14.
15. Denied.
16. Denied.
14. (sic) Denied.

WHEREFORE, Applicant requests that this Notice of Opposition be dismissed.

APPLICANT'S AFFIRMATIVE DEFENSES

18. Opposer's Notice of Opposition fails to state a claim upon which relief may be granted.
19. Opposer's claim is barred by acquiescence.
20. Opposer's claim is barred by abandonment.
21. Opposer's claim is barred by laches and estoppel from now asserting its claim.
22. Opposer's claim is barred by unclean hands.

23. Opposer's claims may be barred by additional defenses that may arise or become known during the course of this matter and Applicant therefore reserves the right to assert such additional defenses based upon further investigation and discovery.

Applicant again asks that the Notice of Opposition be dismissed and that judgment in favor of Applicant and against Opposer be entered.

Respectfully submitted,

MCFIT GMBH

By its attorneys,

/stacey c. friends/

Stacey C. Friends
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I hereby certify that a true copy of the foregoing document was served by first class mail, postage prepaid, on counsel for Petitioner, this 6th day of May, 2014.

/stacey c. friends/
Stacey C. Friends